

FILED

JAN 19 2011

EDWARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

NAHUM PEREZ-GALVAN,

Defendant.

No. CR 11-00021-PJH (DMR)

DETENTION ORDER

I. DETENTION ORDER

Defendant Nahum Perez-Galvan is charged in an indictment with illegal reentry into the United States following deportation in violation of 8 U.S.C. § 1326(a) and (b). On January 14, 2011, the United States moved for Mr. Perez-Galvan's detention pursuant to 18 U.S.C. § 3142(f)(2)(A) (because there is a serious risk that the defendant will flee), and asked for a detention hearing, as permitted by 18 U.S.C. § 3142(f). Mr. Perez-Galvan did not request a full bail study at this time. Pretrial Services did, however, prepare a criminal record report. At the January 19, 2011 hearing before this Court, Mr. Perez-Galvan waived the timing of his right to proffer information at a detention hearing, *see* 18 U.S.C. § 3142(f) (a defendant has the right at a

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1 section 3142(f) hearing, with the assistance of counsel, to testify, to present witnesses, to cross-
2 examine adverse witnesses, and to present information by proffer or otherwise), but he retained
3 his right to raise any additional relevant information at a later hearing. The Court notes that Mr.
4 Perez-Galvan is subject to an immigration detainer issued by Immigration and Customs
5 Enforcement ("ICE").

6 After considering the limited information available to the Court, and the factors set forth
7 in 18 U.S.C. § 3142(g), the Court detains Mr. Perez-Galvan as a serious risk of flight and finds
8 that no condition or combination of conditions in 18 U.S.C. § 3142(c) will reasonably assure his
9 appearance in this case. *See* 18 U.S.C. §§ 3142(e) and (f); *United States v. Motamedi*, 767 F.2d
10 1403, 1406 (9th Cir. 1985).

11 II. CONCLUSION

12 The Court detains Mr. Perez-Galvan as a serious flight risk. Because Defendant waived
13 his right to present information under 18 U.S.C. § 3142(f) without prejudice to raising relevant
14 information at a later hearing, the Court orders that the hearing may be reopened at Defendant's
15 request at any future time.

16 Mr. Perez-Galvan shall remain committed to the custody of the Attorney General.

17 IT IS SO ORDERED.

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20 DATED: January 19, 2011



21 DONNA M. RYU
22 United States Magistrate Judge
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